

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CHAD JEREMY ADAMS,)	
)	
Petitioner,)	
vs.)	NO. CIV-16-0045-HE
)	
JOE M ALLBAUGH,)	
Interim Director of the Oklahoma)	
Department of Corrections,)	
)	
Respondant.)	

ORDER

Petitioner, a state prisoner appearing *pro se*, filed this suit seeking habeas relief under 28 U.S.C. § 2241. He also filed an application to proceed *in forma pauperis* and a motion for an order directing his transfer to a minimum security facility “and/or” the grant of access to a law library and other related services. Consistent with 28 U.S.C. § 636(b)(1)(B), this case was referred to U.S. Magistrate Judge Suzanne Mitchell, who recommends the application to proceed *in forma pauperis* be denied as moot on the basis petitioner has already paid the \$5 filing fee. Judge Mitchell further recommends the motion for order be denied on the basis it seeks relief from the conditions of petitioner’s confinement, which must be obtained by a civil rights action rather than a habeas petition.

The parties were advised of their right to object to the Report and Recommendation by September 5, 2016. No objections have been filed.¹ The parties have therefore waived

¹*After the motion was filed, but before the Report and Recommendation was entered, petitioner filed a notice of change of address indicating he was moved to the John H. Lilley Correctional Center. He subsequently filed a timely response [Doc. #17], with legal authority attached, to respondent’s motion to dismiss. Thus, the alleged deprivation of access to a law library*

their right to appellate review of the factual and legal issues addressed in the Report and Recommendation. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059–60 (10th Cir. 1996); *see* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Accordingly, the Report and Recommendation [Doc. #16] is **ADOPTED**. Petitioner’s application to proceed *in forma pauperis* [Doc. #8] is **DENIED** as moot, and the motion for order directing transfer [Doc. #6] is **DENIED**.

IT IS SO ORDERED.

Dated this 15th day of September, 2016.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE

does not appear to have impeded his ability to file an objection to the Report and Recommendation or otherwise participate in this litigation.